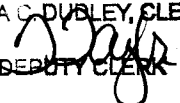


AUG 16 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JULIA C. DUBLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA)	Criminal Case No. 5:93cr00004-1
)	
v.)	<u>FINAL ORDER</u>
)	
CLARENCE SHELDON JUPITER)	By: Samuel G. Wilson
)	United States District Judge

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Jupiter's motion (ECF No. 270) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; Jupiter's motion to appoint counsel (ECF No. 271) is **DENIED as moot**; and the case is **STRICKEN** from the active docket.

Further, the court finds that Jupiter has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 16th day of August, 2013.



United States District Judge